

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 3, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a.m. The meeting was recessed by Mayor Murphy at 11:11 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 11:22 a.m. with Council Members Zucchet not present. Mayor Murphy recessed the meeting at 11:57 a.m. for the noon break to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with Council Member Zucchet not present. Mayor Murphy recessed the meeting at 2:08 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 2:16 p.m. with Council Member Zucchet not present. Mayor Murphy adjourned the meeting at 3:23 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour/Maland (gs/ek)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: REFERRED TO THE CITY MANAGER

Noel Neudeck commented regarding the use of outdated software.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:37 a.m.)

PUBLIC COMMENT-2:

Don Stillwell commented on changes over the years in currency, debts, and interest.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:40 a.m.)

PUBLIC COMMENT-3:

Al Strohlein expressed his concern on the accessibility of the "Bayfair Annual Report."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:44 a.m.)

PUBLIC COMMENT-4:

Daniel Coffey commented on the Federal Communications Commission's recent ruling which relaxed the restrictions of media companies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:47 a.m.)

PUBLIC COMMENT-5:

James Applin expressed his concern on the City of San Diego Employees' retirement trust fund.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:49 a.m.)

PUBLIC COMMENT-6:

Tim Konkol spoke in favor about the name change of Sorrento Valley Court to Vista Sorrento Parkway.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. - 10:51 a.m.)

PUBLIC COMMENT-7:

Jarvis Ross commented on special promotional programs, transient occupancy tax, and water conservation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:54 a.m.)

PUBLIC COMMENT-8:

John McNab expressed his concern for the need to plan ahead.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. - 10:56 a.m.)

PUBLIC COMMENT-9:

Dave Thompson commented on the homeless and the importance of speaking to the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. - 10:59 a.m.)

PUBLIC COMMENT-10:

Barbara Mackenzie notified Council of a complaint filed against the City of San Diego surrounding medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:03 a.m.)

PUBLIC COMMENT-11:

Michelle Brazeau commented regarding the persecution of “Falun Gong” followers in Yantai, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. - 11:06 a.m.)

PUBLIC COMMENT-12:

Ron Boshun commented on the actions of City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:10 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins congratulated Council Member Maienschein for celebrating his birthday on May 22.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:41 a.m. - 11:42 a.m.)

COUNCIL COMMENT-2:

Mayor Murphy announced he flew out to the U.S.S. Constellation on Sunday. Mayor Murphy noted he spent the day thanking the troops for their service and was very impressed by both the sophistication and youth running the aircraft carrier.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:42 a.m. - 11:44 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

- * ITEM-50: Amendments to Agreement between San Diego State University and the City of San Diego for Partial Use and Occupancy of Qualcomm Stadium.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/20/2003 (Council voted 8-0. Councilmember Inzunza not present.):

(O-2003-152) ADOPTED AS ORDINANCE O-19181 (New Series)

Authorizing the City Manager to execute a Second Amended and Restated 1994 Agreement for Partial Use and Occupancy of Qualcomm Stadium between San Diego State University and the City of San Diego under the terms and conditions set forth in the Second Amended and Restated 1994 Agreement.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zuchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-51: Possession of Opened Kegs Containing Alcoholic Beverages during the Fourth of July at Designated Public Places.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/20/2003 (Council voted 9-0):

(O-2003-144) ADOPTED AS ORDINANCE O-19182 (New Series)

Amending Chapter 5, Article 6, of the San Diego Municipal Code by adding Sections 56.70, 56.71, 56.72, relating to Possession of Opened Kegs Containing Alcoholic Beverages during the Fourth of July at Designated Public Places.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:24 a.m. - 10:26 a.m.)

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-52: Amendment to the San Diego Municipal Code relating to the San Diego City Employees' Retirement System.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/20/2003 (Council voted 9-0):

(O-2003-155) ADOPTED AS ORDINANCE O-19183 (New Series)

Amending Chapter 2, Article 4, of the San Diego Municipal Code by amending Division 1 by amending Section 24.0103 relating to the San Diego City Employees' Retirement System.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Development Services Fees.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/20/2003. (Council voted 6-3. Councilmembers Zucchet, Maienschein, and Frye voted nay):

(O-2003-151) ADOPTED AS ORDINANCE O-19184 (New Series)

Adopting and revising selected development user fees.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-54: Estates at Costa Del Mar Rezoning.

(RZ/PTS-3102. Carmel Valley Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/20/2003 (Council voted 9-0):

(O-2003-140) ADOPTED AS ORDINANCE O-19185 (New Series)

Rezoning 10.0 acres, located at the northern terminus of Arroyo Sorrento Place, in

the Carmel Valley Community Plan area, from the AR-1-1 Zone to the AR-1-2 and OC-1-1 Zones, as defined by San Diego Municipal Code Section 131.0303 and 131.0203.

FILE LOCATION: LUP - Estates at Costa Del Mar 05/20/03 (65)

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-55: Three Actions related to Affordable/In-fill Housing Expedite Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 5/20/2003 (Council voted 7-1. Councilmember Frye voted nay; Councilmember Frye voted yea on Staff Recommendation #2 to adopt an amendment to the Municipal Code to grant staff the authority to expire discretionary permit applications after 90-days of inactivity. Councilmember Inzunza not present.):

Subitem-A: (O-2003-142) ADOPTED AS ORDINANCE O-19186 (New Series)

Amending the San Diego Municipal Code by amending Chapter 14, Article 3, Division 3, by amending table 143-03A under section 143.0302 relating to supplemental Neighborhood Development Permit or Site Development Permit regulations applicability; and by adding a new Division 9, Sections 143.0910, 143.0915 and 143.0920 relating to the San Diego Affordable Housing/In-Fill Housing Projects.

Subitem-B: (O-2003-141) ADOPTED AS ORDINANCE O-19187 (New Series)

Amending Chapter 12, Article 6, Division 1, of the San Diego Municipal Code by adding Section 126.0114, relating to the authority to close an application due to inactivity.

Subitem-C: (O-2003-153) ADOPTED AS ORDINANCE O-19188 (New Series)

Amending Chapter 12, Article 6, Division 5, of the San Diego Municipal Code, by amending Section 126.0504, pertaining to site development permits.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:27 a.m. - 10:31 a.m.)

MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay (yea on staff's recommendation No. 2), Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-56: Three actions related to Inclusionary Housing Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 5/20/2003. (Council voted 6-2. Councilmember Madaffer and Mayor Murphy voted nay. Councilmember Zucchet not present):

Subitem-A: (O-2003-135 Cor. Copy) ADOPTED AS ORDINANCE O-19189
(New Series)

Amending Chapter 14, Article 2, of the San Diego Municipal Code, by adding a new Division 13, Sections 142.1301, 142.1302, 142.1303, 142.1304, 142.1305, 142.1306, 142.1307, 142.1308, 142.1309, 142.1310, 142.1311, and 142.1312, all pertaining to the provision of affordable housing through inclusionary zoning.

Subitem-B: (O-2003-136) ADOPTED AS ORDINANCE O-19190 (New Series)

Amending Chapter 9, Article 8, Division 5, of the San Diego Municipal Code, by amending Section 98.0501; by repealing Section 98.0502; amending and renumbering the current Section 98.0503 to Section 98.0502; by amending and renumbering the current Section 98.0504 to Section 98.0503; by creating a new Section 98.0504; by amending and renumbering the current Section 98.0505 to

Section 98.0506 and creating a new Section 98.0505; by amending and renumbering the current Section 98.0506 to Section 98.0507; by amending and renumbering the current Section 98.0507 to Section 98.0508; by amending and renumbering the current Section 98.0508 to Section 98.0509; by amending the current Section 98.0509 to Section 98.0510; by repealing the current Section 98.0510; by repealing the current Section 98.0511; by amending and renumbering the current Section 98.0512 to Section 98.0511; by renumbering Section 98.0522 to Section 98.0512; by amending and renumbering Section 98.0523 to Section 98.0513; by amending and renumbering Section 98.0524 to Section 98.0514; by amending and renumbering Section 98.0525 to Section 98.0515; by amending and renumbering Section 98.0526 to Section 98.0516; by renumbering Section 98.0527 to Section to Section 98.0517; by amending and renumbering Section 98.0528 to Section 98.0518, all pertaining to the San Diego Housing Trust Fund; and amending Chapter 9, Article 8, Division 6 by renumbering Section 98.0503 appearing within the text of those sections to read Section 98.0504; by renumbering Section 98.0504 appearing within the text of those sections to read Section 98.0505; by renumbering Section 98.0523 appearing within the text of those sections to read Section 98.0513, all relating to the housing impact fees on commercial development.

Subitem-C: (O-2003-143) ADOPTED AS ORDINANCE O-19191 (New Series)

Amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code, by amending Section 113.0103, all pertaining to land development terms.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:32 a.m. - 10:33 a.m.)

MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

* ITEM-100: General Requirements Contract 2003E - Electrical Systems Contract.

(See memorandum from Scott Tulloch dated 4/23/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1259)

ADOPTED AS RESOLUTION R-298010

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of General Requirements Contract 2003E - Electrical Systems Contract on Work Order No. 461190;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as-needed construction services for a \$50,000 minimum, not to exceed the value of \$1,000,000 for one year, with an option to extend the contract for up to one additional year and up to \$1,000,000 at the discretion of the City Manager, or his authorized representative, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund 41506, 41508, and 41509, to provide funds for the General Requirements Contract 2003E - Electrical Systems, as follows:

FY 2003 - \$1,000,000

FY 2004 - \$1,000,000, contingent upon approval of the FY 2004 operating budget and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K03116)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

For the last seven years, the City has entered into General Requirements Contracts, formerly referred to as Job Order Contracts (JOC) with various contractors. The main objective of the General Requirements Contract is to execute maintenance, repair, and emergency general engineering construction projects.

The projects identified for General Requirements Contracting will be assigned to one of four GRC contracts based on the type of work and location within the sewerage system. The four contracts include GRC 2003A - General Engineering; GRC 2003B - Building Modifications, GRC 2003C Mechanical Systems, and GRC 2003E - Electrical Systems. This action is for approval to advertise and award the General Requirements Contract 2003E - Electrical Systems in an amount not to exceed \$1,000,000 with an option to extend up to \$2,000,000.

Each General Requirements Contract is competitively procured. The contractor bids a factor or multiplier which is applied to all of the prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation, and, therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. Further, the Department Director may use performance and adherence to the contract as criteria to extend the contract for up to an additional year and up to an additional \$1,000,000.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 et seq). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

FISCAL IMPACT:

Funds, in the amount of \$1,000,000, for this contract are available in Fiscal Year 2003. Funds for an additional \$1,000,000, if the contract is extended, is contingent upon the City Auditor certifying funds are available for this purpose.

Mendes/Tulloch/LAD

FILE LOCATION: W. O. 461190

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Pipeline Rehabilitation in the ROW and Easements Phases A & B.

(See memorandum from Scott Tulloch dated 4/23/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1260) ADOPTED AS RESOLUTION R-298011

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of the Pipeline Rehabilitation in the Right-of-Way and Easements Phase B Project on Work Order No. 178544;

Authorizing the City Manager to execute a phase-funded contract with the lowest responsible and reliable bidder for the construction of the Pipeline Rehabilitation in the Right-of-Way and Easements Phase B Project for an amount not to exceed \$9,500,837 as follows:

Phase 1 FY 2004: \$6,175,544 (not to exceed)

Phase 2 FY 2005: \$3,325,293 (not to exceed);

Authorizing the expenditure of an amount not to exceed \$9,500,837, of which \$9,081,750 is from Sewer Fund No. 41506, CIP-46-506.0, Pipeline Rehabilitation in the right-of-Way and Easements Phases A and B, and \$419,087 is from Fund 41506, CIP-46-193.0, Annual Allocation - CIP Contingencies, solely and exclusively to provide funds for Phase B project construction, construction management, contingency and related costs, provided that the City Auditor and

Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under established contract funding are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$900,000 from Sewer Fund No. 41506, CIP-46-506.0, Pipeline Rehabilitation in the ROW and Easements Phases A and B, solely and exclusively for the purpose of providing funds for Phase A construction management services to be performed by Earth Tech, Inc., provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K03105)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

This request provides for authorization to advertise for bids and award of a contract to the lowest responsible bidder, based on actual low bid submitted, for the Pipeline Rehabilitation in the ROW and Easements Phase B Project.

Metropolitan Wastewater Department has identified the need to rehabilitate approximately 7.0 miles of existing sanitary sewer pipelines ranging from 8-inch to 10-inch in diameter, and replace in-kind approximately 1.5 miles of existing sewer pipelines. The rehabilitation method is trenchless, and all work will be located within the City's right-of-way or easements.

The purpose of this project is to reduce maintenance requirements of the sewer, lessen community impacts from maintenance-related activities, extend the service life of the sewer system, and decrease the overall number of sewer spills. This contract is one of several contracts to implement permanent solutions to reduce sanitary sewer overflows.

The funding request includes \$9,500,837 for Phase B construction, construction management, related costs and contingency, and \$900,000 for Phase A construction management. Phase A is already under construction and the construction management services for Phase A were being handled through an agreement with Sverdrup Civil, Inc. The agreement with Sverdrup Civil, Inc.

expires on June 30, 2003 and Sverdrup will no longer be providing services for this project. This action requests authorization for expenditure of funds for the services of the new As-Needed Construction Management Consultant, Earth Tech, Inc.

FISCAL IMPACT:

The total cost of this action is \$10,400,837, of which \$900,000 is available in Fund 41506. CIP-46-506.0, Pipeline Rehabilitation in the ROW and Easements Phases A and B, and \$9,500,837 will be phase funded, of which \$6,175,544 is for Fiscal Year 2004, and \$3,325,293 is for Fiscal Year 2005.

Mendez/Tulloch/KMM

FILE LOCATION: W. O. 178544

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-102: Inviting Bids and Award of Contract for South Pacific Highway Trunk Sewer Phase II and Sewer Group 747A.

(See memorandum from Frank Belock dated 4/2/2003. Centre City Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-846) ADOPTED AS RESOLUTION R-298012

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of South Pacific Highway Trunk Sewer Phase II and Sewer Group 747A (Project) on Work Order Nos. 175781 and 178341;

Authorizing the City Manager to establish contract funding phases, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Projects in an amount not to exceed \$5,800,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$5,800,000 (\$3,610,000 from Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer, Phase II, and \$2,190,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement) solely and exclusively for the purpose of providing funds for the Projects and related costs, contingent upon the passage of the Fiscal Year 2004 Capital Improvements Program and Appropriations Ordinance Budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03828C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/9/2003, NR&C voted 5 to 0 to approve. (Councilmembers Madaffer, Zucchet, Lewis, Frye, and Inzunza voted yea.)

SUPPORTING INFORMATION:

South Pacific Highway Trunk Sewer Phase II and Sewer Group 747A is part of the City of San Diego's continuing Annual Capital Improvements Program. The project is in the Centre City community area and consist of installing approximately 2,882 feet (0.55 miles) of 36-inch sewer pipe to relieve a trunk sewer at capacity and replacing approximately 2,400 feet (0.45 miles) of 15-inch, 10-inch, and 8-inch sewer pipe with substandard hydraulic condition. The streets affected by construction operations are: Pacific Highway from Grape Street to A Street and from Broadway to West Harbor Drive and West Harbor Drive from Pacific Highway to Kuttner Boulevard. Traffic Control Plans for the entire project area have been developed and were approved by the City of San Diego's Traffic Signal Design & Traffic Control section and will be provided to the contractor as part of the construction plans.

Construction of this project is being coordinated with all other projects in the area through Paradise in Progress. Business owners and residents in the area will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again five (5) days before construction begins by the contractor through hand distribution. Installation of the new trunk sewer and the sewer main will provide the community with a reliable sewer infrastructure.

FISCAL IMPACT:

The total estimated cost of this project is \$5,800,000. Funding of \$3,610,000 is available in Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer and \$2,190,000 in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project is scheduled to be phase-funded within FY 2004.

Loveland/Belock/HR

W.F.-03-649.

FILE LOCATION: W. O. 175781/178341

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Inviting Bids and Award of Contract for the Construction of South Bay Water Reclamation Plant Piping, Storage Tank and Pump Station.

(See memorandum from Larry Gardner dated 4/1/2003. San Ysidro and Tijuana River Valley Community Areas. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1394)

ADOPTED AS RESOLUTION R-298013

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of South Bay Water Reclamation Plant Piping, Storage Tank and Pump Station (Project) on Work Order No. 187061;

Authorizing the City Manager, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$1,865,125, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Amending that the Fiscal Year 2003 Capital Improvement Program Budget by adding CIP-45-946.0, South Bay Reclaimed Water Storage Tank;

Authorizing the expenditure of an amount not to exceed \$1,514,100 from Sewer Fund 41506, CIP-45-946.0, South Bay Reclaimed Water Storage Tank, for construction and Metropolitan Wastewater-related costs, and an amount not to exceed \$73,500 from Sewer Fund 41506, CIP-46-193.0, Muni Pooled Contingency, for project contingency costs, contingent upon the approval of the Fiscal Year 2004 Capital Improvement Program and Appropriation Ordinance, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,130,357 from Water Fund 41500, CIP-70-956.0, South Bay Water Reclamation System, for the purpose of providing funds for the Project and related costs, contingent upon the approval of the Fiscal Year 2004 Capital Improvement Program and Appropriation Ordinance, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K031305C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/9/2003, NR&C voted 5 to 0 to approve. (Councilmembers Madaffer, Zucchet, Lewis, Frye, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The South Bay Water Reclamation Plant (SBWRP) Piping, Storage and Pump Station will serve the Tijuana River Valley and San Ysidro community areas, and future customers in the City's southern service areas. The construction of two components, together, will provide recycled water to the International Boundary and Water Commission (IBWC) plant, located east of the SBWRP, and for future users in the vicinity. The two components are:

Discharge Piping, Storage Tank, and Pumping Station

These facilities are located at the SBWRP. An 8-inch tap will be made on the existing 30-inch recycled water pipeline north of the existing pump house. An 8-inch pipeline will be constructed from the tap to the storage tank, which will have a capacity of 750,000 gallons. The pump station, consisting of three variable speed pumps each with a capacity of 600 gallons per minute, and its associated piping, will pump the recycled water into the 10-inch pipeline to the IBWC plant.

IBWC Pipeline

An 8-inch pipeline from the SBWRP to the IBWC plant will be constructed. The new 8-inch diameter line will start at the end of the storage tank's 10-inch discharge line and terminate at IBWC's wet well. The approximate length is 3,300 feet. Additionally, a dual 4-inch turbine recycled water meter will be installed near the SBWRP entrance. Lastly, an insertion multi-mag meter will be installed at the end of existing 30-inch diameter pipe along Dairy Mart Road for a future Otay Water District connection.

Once these improvements are in place, the IBWC wastewater plant will be able to use 500,000 gallons per day of reclaimed water. This will help reduce San Diego's dependence on imported water supplies. This request authorizes the funding, bidding and award for the construction of this project, and the necessary engineering support.

The City has received preliminary approval for grant funding from the Bureau of Reclamation to cover 25 percent of the design and construction costs. In addition, the City has applied for State Proposition 50 grant funding to cover 25 percent of the design and construction costs.

FISCAL IMPACT:

The total cost of this project is \$2,717,957 of which \$1,130,357 is available (in FY 2004) from the Water Fund 41500, CIP-78-956.0, South Bay Water Reclamation System and \$73,500 will be available in FY 2004 in Sewer Fund 41506, CIP-46-193.0, Muni Pooled Contingency, and \$1,514,100 will be available in FY 2004 in Sewer Fund 41506, CIP-45-946.0, South Bay Reclaimed Water Storage Tank, contingent upon the approval of the FY 2004 Capital Improvement Program and Appropriation Ordinance.

Mendes/Gardner/VB

FILE LOCATION: W. O. 187061

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-104: Inviting Bids and Award of Contract for Canyonside Reclaimed Water Pump Station.

(See memorandum from Larry Gardner dated 4/22/2003. Rancho Peñasquitos Community Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1292) ADOPTED AS RESOLUTION R-298014

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Canyonside Reclaimed Water Pump Station on Work Order No. 186811;

Authorizing the City Manager, after advertising for bids in accordance with law, to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$3,119,589.80, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,257,750 from Water Fund 41500, CIP-70-949.0, Annual Allocation - Reclaimed Water Extensions to Water Fund 41500, CIP-70-954.0, North City Water Reclamation System (Canyonside Reclaimed Water Pump Station);

Authorizing the expenditure of an amount not to exceed \$3,119,589.80 from Water Fund 41500, CIP-70-954.0, North City Water Reclamation System (Canyonside Reclaimed Water Pump Station), and an amount not to exceed \$100,000 from Water Fund 41500, CIP-70-942.0, Pooled Contingency - Reclaimed Water Distribution System, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03467C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Madaffer, Zucchet, Lewis, Frye, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The Water Department Capital Improvements Program is proposing to construct a 9,000 gallon per minute underground reclaimed water pump station within the Canyonside Community Park to service potential reclaimed water users within the northern part of the City. The construction of this pump station is necessary to convey reclaimed water from the North City Water Reclamation Plant to the northern region of the City, satisfying the EPA Beneficial Reuse Goals established under the North City Water Reclamation Plant EPA grant. By the year 2010, reclaimed water usage from the North City Water Reclamation Plant is estimated to increase from approximately 5,000 AFY to over 12,000 AFY, on an average annual basis. The Canyonside Pump Station will be an extremely critical link in transmission of reclaimed water to the rapidly developing northern sections of the City, in that it will transmit over 80% of the reclaimed water estimated to be utilized within the North City service area. Areas to be served by the Canyonside Pump Station include new developments in the Black Mountain Ranch area, Olivenhain Municipal Water District service area, and portions of Rancho Bernardo east of Interstate 15.

Since the pump station is located within the Canyonside Community Park, the Park & Recreation Board, the Park Design Review Committee, the Park Northern Area Committee, the Penasquitos Recreation Council, and the Rancho Penasquitos Planning Board reviewed and approved this

project. The Natural Resources and Culture Committee approved this project at their April 30, 2003 meeting.

The City of San Diego as Lead Agency under CEQA reviewed and considered an EIR (LDR-41-0629, SCH-2001121083), dated October 11, 2002, covering this activity. The EIR was adopted November 12, 2002 by Resolution No. R-297262.

This project has received preliminary approval for State Water Resources Control Board funding and we are awaiting the Federal Bureau of Reclamation grant funding approval. The State grant will cover 25 percent of the construction cost requiring the use of a prevailing wage contract, and Federal grant will cover 20 percent of the total project cost. As a condition for State grant funding, the State has mandated that the project start construction no later than November 12, 2003 and be fully operational by January 10, 2005.

The requested action is to approve the plans and specifications, advertise the project for construction, and authorize the City Manager to award the project to the lowest responsible bidder.

FISCAL IMPACT:

Funding in the amount of \$3,219,589.80 is available from the Water Fund 41500, CIP-70-954.0, North City Reclamation System (Canyonside Reclaimed Water Pump Station), and CIP-70-942.0, Pooled Contingency - Reclaimed Water Distribution System. This will be phase funded over two fiscal years.

Mendes/Gardner/VB

FILE LOCATION: W. O. 186811

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: As-needed Consultant - Landscape Architect.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1343)

ADOPTED AS RESOLUTION R-298015

Authorizing the City Manager, or his designee, to execute an agreement with ONA for as-needed landscape architectural services;

Authorizing the expenditure of up to \$200,000 from Fund 30244, contingent on the Auditor furnishing a certificate demonstrating available funds.

CITY MANAGER SUPPORTING INFORMATION:

This As-needed Landscape Architect Consultant contract will allow the Park Planning Division to use ONA, Inc. on an as-needed basis for Landscape Architectural consulting on projects such as tot lot improvements, off leash areas, Joint Use Agreements and ADA upgrades. Individual projects will require the completion of a Task Order. The Agreement is effective for two years and the cumulative total is up to \$200,000.

Five firms were certified from the as-needed list for landscape architectural services by the consultant selection coordinator and were interviewed by the Park Planning Department. ONA, Inc. was selected as the consultant.

FISCAL IMPACT:

There are no projects currently being requested for approval, therefore no expenditures will be made at this time, however, the fiscal amount not to exceed \$200,000 will come from Fund 30244. Each project will be individually charged for each task requested under this agreement. Herring/Oppenheim/JJ

FILE LOCATION:

MEET

COUNCIL ACTION:

(Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Revised Freeway Agreement for I-15 in Rancho Bernardo and Sabre Springs.

(Rancho Bernardo and Sabre Springs Community Areas. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1398)

ADOPTED AS RESOLUTION R-298016

Authorizing the City Manager to amend the existing Freeway Agreement for Interstate 15 in Rancho Bernardo and Sabre Springs with Caltrans.

CITY MANAGER SUPPORTING INFORMATION:

In 1963, the City and Caltrans entered into a Freeway Agreement for the construction of Interstate 15 from Miramar Road to the northern city limits.

The I-15 Managed Lanes Project will provide two new public road connections for high-occupancy vehicles to the Managed Lanes via Direct Access Ramps (DARs). The Direct Access Ramps will also serve Park and Ride lots at each location.

The Park and Ride lots and DARs will be located on West Bernardo Drive (between Bernardo Center Drive and Rancho Bernardo Road) and on Sabre Springs Parkway south of Ted Williams Parkway.

The existing Freeway Agreement must be revised to include the DARs as an official part of the Interstate 15 freeway for this project to proceed.

FISCAL IMPACT:

No City funds are being used for this project.

Loveland/Belock/PKB

FILE LOCATION:

MEET

COUNCIL ACTION:

(Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Cooperative Agreement with Caltrans for "Friendship Plaza."

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1369)

ADOPTED AS RESOLUTION R-298017

Authorizing the City Manager to enter into a Cooperative Agreement with Caltrans, for the construction of Friendship Plaza/Plaza de la Amistad.

CITY MANAGER SUPPORTING INFORMATION:

The State Department of Transportation (Caltrans) is proposing traffic operational improvements and a new pedestrian plaza at the San Ysidro Port of Entry. This project will also include landscaping, transit, vehicular, pedestrian, and bicycle improvements, and has been named "Friendship Plaza/Plaza de la Amistad."

The project is being funded by Caltrans at a total cost of \$1,688,000.

By entering into this Cooperative Agreement, the City agrees to provide plan reviews and right-of-way permits, and will be responsible for remediating any hazardous materials discovered within the City right-of-way. The City will also accept the operations and maintenance responsibility for those portions of the project that are within the City's right-of-way. Caltrans' contractor will be required to maintain the improvements for one year after construction, after which the proposed San Ysidro Property-Based Maintenance Assessment District (MAD) will be responsible for maintenance. In the interim, the San Ysidro Business Association (SYBA) will accept responsibility for all maintenance costs before a MAD is formed. This will be accomplished by way of an agreement between the City and SYBA.

FISCAL IMPACT:

Project construction costs are being funded by Caltrans. Maintenance will be funded by the SYBA and the San Ysidro MAD. Costs of mediating hazardous materials within City right-of-way, if any, would be based on the type and scope of the hazardous materials.

Loveland/Belock/PKB

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zuchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Hazardous Materials Emergency Response Agreement.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1379) ADOPTED AS RESOLUTION R-298018

Authorizing the City Manager to enter into agreement with the Unified San Diego County Emergency Services Organizations to continue San Diego Fire-Rescue Department's participation in the Hazardous Materials Incident Response Team, from July 1, 2003 through June 30, 2005.

CITY MANAGER SUPPORTING INFORMATION:

The Hazardous Materials Incident Response Team (HIRT) was established by the San Diego County Emergency Services Organization in 1986. San Diego Fire-Rescue Department (formerly known as San Diego Fire and Life Safety Services) participates in this program by providing member agencies with the services of its Hazardous Materials Team in response to incidents involving hazardous materials. An agreement between the City and the Unified San Diego County Emergency Services Organization was signed in June 1993, and amended in 1995, 1997, 1999 and 2001. San Diego Fire-Rescue and the Unified San Diego County Emergency Services

Organization propose a new agreement, effective July 1, 2003 through June 30, 2005. This agreement will provide City of San Diego with an annual payment to \$683,215.

FISCAL IMPACT:

The Unified San Diego County Emergency Services Organization will provide the City of San Diego with annual payments of \$683,215, to be invoiced in quarterly increments. This revenue offsets any costs which San Diego Fire-Rescue Department incurs when providing the services of the Haz Mat Incident Response crews to incidents involving hazardous materials.

Ewell/Bowman/FW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Consultant Agreement with Dokken Engineering for State Route 163 and Friars Road.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1365) ADOPTED AS RESOLUTION R-298019

Authorizing the City Manager to execute an agreement with Dokken Engineering to provide a Project Report and Environmental Clearance for State Route 163 and Friars Road in an amount not to exceed \$1,117,900;

Authorizing the expenditure of a total amount not to exceed \$1,117,900, consisting of \$989,676.87 from State Route 163 and Friars Road, Fund No. 38981, Regional Surface Transportation Program Funding, and \$128,223.13 from

Fund 63022, Tentative Map 830393 from H.G. Fenton, solely and exclusively for CIP-52-455.0 for the purpose of funding the agreement with Dokken Engineering;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project would provide improvements to the State Route 163/Friars Road Interchange and Friars Road in order to accommodate traffic delays within the interchange area due to new development in Mission Valley and is consistent with the City's Community Plan. The design of the project would be done in two phases. Phase 1, base fee, consists of the preparation of a Caltrans Project Report and Environmental Clearance, which includes mapping, development and analysis of two preliminary design alternatives, preparation of a mitigated negative declaration (CEQA) and environmental assessment with technical reports (NEPA), geotechnical reports, value engineering analysis and project estimates.

If required, Phase I additional services would provide for other alternative designs with additional environmental studies and the preparation of higher level environmental documents. Phase II would include the preparation of construction documents (plans, specifications and estimates) and construction design support of the recommended alternative.

It is proposed to utilize the services of a consultant to design the project because of its magnitude and complexity. Consultants submitted letters of interest and six firms were interviewed in conformance with Council Policy 300-7. The firm Dokken Engineering was selected to perform the consultant work for all phases of the project. The proposed agreement is for Phase I. Subsequent City of San Diego Council approval would be required to amend the Consultant Agreement for the Phase II consultant work.

FISCAL IMPACT:

Funding necessary for this action (Phase 1 consultant services), in the amount of \$1,117,900 of which \$989,676.87 is available from Fund 38981, Regional Surface Transportation Program Funding, and \$128,223.13 is available from Fund 63022, Tentative Map 830393 from H. G. Fenton, for CIP-52-455.0, State Route 163 and Friars Road Project. The base fee is \$717,900 and if required \$400,000 is included for additional services and reimbursable expenses. Additional Regional Surface Transportation Funding is needed in future years to complete the property acquisition and construction phases of this project.

Loveland/Belock/PB

Aud. Cert. 2301151.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-110: Second Amendment to Retainer Agreement with Horvitz and Levy for Outside Counsel Appellate Services in the Matters of Border Business Park, Inc. and Related Litigations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1386) ADOPTED AS RESOLUTION R-298020

Authorizing a Second Amendment to the Retainer Agreement by and between the City of San Diego and Horvitz & Levy, for outside counsel appellate services in Otay Acquisition v. City of San Diego, San Diego Superior Court Case No. GIC-753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC-730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. 692794;

Authorizing the expenditure of an amount not to exceed \$100,000 from Liability Fund No. 811403, solely and exclusively for the purpose of providing funds for the agreement.

CITY MANAGER SUPPORTING INFORMATION:

This action will amend the existing Retainer Agreement with Horvitz & Levy for outside counsel appellate services to defend the City in the matters of Otay Acquisition v. City, S.D. Superior

GIC-753247, National Enterprises v. City, S.D. Superior GIC-730011, and Border Business Park, Inc. v. City, S.D. Superior 692794. Funds are available from payments made by City's insurance companies pursuant to various insurance policies.

Lexin/Lopez/HK

Aud. Cert. 2301180.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zuchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Christie's Place Community Development Block Grant (CDBG).

(Greater Downtown San Diego Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1375)

ADOPTED AS RESOLUTION R-298021

Authorizing the City Manager, or designee, to execute, an agreement with Christie's Place Inc., for the receipt of \$147,000 in Community Development Block Grant [CDBG] funds to be used for the acquisition of a facility to provide support services to families living with HIV/AIDS together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the City Manager to expend an amount not to exceed \$147,000 from CDBG Fund No. 18537, solely and exclusively for the acquisition of property rights, subject to the terms of the agreement.

CITY MANAGER SUPPORTING INFORMATION:

In April 2001, the City Council authorized the allocation of \$147,000 of Community Development Block Grant (CDBG) funds to Christie's Place pursuant to Resolution R-294849. These CDBG funds were allocated to supplement private funding for the acquisition of a permanent site for Christie's Place. The City Manager's staff is now seeking the authorization to enter into an agreement with Christie's Place and to expend the \$147,000 for the acquisition. Christie's Place currently occupies the 3,000 square foot building located at 2440 Third Avenue as a tenant, and now proposes to purchase the property. City valuation staff has reviewed and approved an independent fee appraisal establishing the value at \$685,000 for this property.

Christie's Place provides comprehensive and coordinated services to the HIV/AIDS community. Support services include individual and family counseling, treatment education, nutritional education, peer advocacy, support groups and childcare. Christie's Place also lends assistance to its clients by helping fulfill their need for basic services such as food, shelter and clothing.

Collaborative partners with Christie's Place include UCSD Mother, Child and Adolescent HIV Program; Comprehensive Health Center; Being Alive San Diego; American Red Cross Transportation Services; PANDA Childcare Services; Lesbian and Gay Men's Community Center, San Diego Volunteer Lawyer Program, Emergency Assistance Response Program (EARP), Stepping Stones; Episcopal Community Services, and San Ysidro Health Center's CASA Program.

FISCAL IMPACT:

Funds in the amount of \$147,000 are available in CDBG Fund No. 18537 .

Herring/Griffith/NS

Aud. Cert. 2301175.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-112: Funding the Criminal Restitution Compact Specialist Position in the City Attorney's Office.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1373)

ADOPTED AS RESOLUTION R-298022

Authorizing the City Attorney to apply for, accept, and expend a \$73,360.20 grant from the State Victim Compensation and Government Claims Board (State Agency), to fund the Criminal Restitution Compact Restitution Specialist position in the Criminal Division, for a period of July 1, 2003 through June 30, 2004, under the terms and conditions outlined in the Standard Agreement Number BOC-2073 between the State Agency and the City Attorney's Office;

Agreeing to hold the State Agency of the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, and certifying that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

The City Attorney has been notified by the State Board of control that the City has been awarded a grant in an amount not to exceed \$73,360.20 to hire a Legal Assistant to perform the duties outlined in the City Attorney Contract. This grant is for the period of July 1, 2003 through June 30, 2004 and is a continuation of a grant authorized and accepted by the City Council on May 28, 2002, by Resolution RR-296556.

Devaney

FILE LOCATION:

MEET

COUNCIL ACTION:

(Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: South Metro Interceptor Sewer - Easement Exchange.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1383)

ADOPTED AS RESOLUTION R-298023

Authorizing the City Manager, or designee, to execute a Quitclaim Deed, quitclaiming to Watt Little Italy, LLC, a Delaware Limited Liability Company, all of the City's right, title and interest in the Existing Easement;

Authorizing the City Manager, or designee, to accept an Easement Deed executed by Watt Little Italy, LLC, a Delaware Limited Liability Company, conveying to the City of San Diego a sewer tunnel easement in the form as set forth in the Easement Deed, to replace the Existing Easement being quitclaimed by the City.

CITY MANAGER SUPPORTING INFORMATION:

This exchange of easements provides for the realignment of the existing South Metro Interceptor sewer tunnel easement within a portion of Block 20 of Middletown.

The original easement for the South Metro Interceptor 84-inch Sewer Tunnel, depicted on City Engineer Drawing 19908-1-B, was obtained in order to construct the South Metro Interceptor sewer under existing structures. The proposed exchange of easements realigns the easement so that the existing tunnel is centered within the newly aligned easement area shown on City Engineer Drawing 19908-2-B. This will allow support caissons for new buildings to be placed in a manner that will best protect the City's sewer facility.

The easement areas being exchanged are comparable size.

FISCAL IMPACT:

None.

Herring/Griffith/SAC

FILE LOCATION: DEED F-9542

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: City of San Diego "6 to 6" Extended School Day Program Funding.

(See City Manager Report CMR-03-105.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1390) ADOPTED AS RESOLUTION R-298024

Authorizing the City Manager to accept and enter into an agreement to expend an amount not to exceed \$3,302,400 in California 21st Century Community Learning Centers Program Cohort One funds (Fund 18780), to operate the City of San Diego's "6 to 6" Faith-Based Community Learning Centers Program in six schools beginning Fiscal Year 2003 through 2007 (\$660,480 in FY 2003, \$660,480 in FY 2004, \$660,480 in FY 2005, \$660,480 in FY 2006, and \$660,480 in FY 2007);

Authorizing the City Manager to accept and enter into an agreement to expend an amount not to exceed \$26,840,634 in After School Education and Safety [ASES] Program Cohort One funds (Fund 19350), to operate the City of San Diego's "6 to 6" programs in 63 schools beginning Fiscal Year 2003 through 2005 (\$8,946,878 in FY 2003, \$8,946,878 in FY 2004, and \$8,946,878 in FY 2005);

Authorizing the City Manager to accept and enter into an agreement to expend an amount not to exceed \$18,760,767 in ASES Program Cohort Two funds (Fund 19350), to operate the City of San Diego's "6 to 6" programs in 34 schools beginning Fiscal Year 2003 through 2006 (\$4,407,675 in FY 2003, \$4,784,364 in FY 2004, \$4,784,364 in FY 2005, and \$4,784,364 in FY 2006);

Authorizing the City Manager to accept and enter into an agreement to expend an amount not to exceed \$3,138,227 in ASES Program Cohort Three funds, to operate the City of San Diego's "6 to 6" programs in 18 schools beginning Fiscal Year 2003 through 2004 (\$1,193,186 in FY 2003 and \$1,945,042 in FY 2004);

Declaring that the funding for the City of San Diego's "6 to 6" program is contingent upon execution of District MOUs;

Approving and appropriating the funding allocations for the City of San Diego's "6 to 6" program, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Manager to negotiate and execute Memorandum of Understanding [MOU] with both the San Diego Unified School District and San Ysidro School District.

Aud. Cert. 2301170.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Authorization of Collateral for HUD Section 108 Loans.

(See City Manager Report CMR-03-097. Ocean Beach, Midway-Pacific

Highway, Center City, Mid City, Southeastern Community Areas. Districts-2, 4, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1350 Cor. Copy) ADOPTED AS RESOLUTION R-298025

Authorizing the City Manager, or his designee, to place encumbrances totaling \$14.8 million on City properties to satisfy collateral requirements for the respective Department of Housing and Urban Development (HUD) Section 108 Loans as specified below:

1. The Central Police Station, 2501 Imperial Avenue, for the Section 108 Loan related to its construction;
2. The Ocean Beach Branch Library, 4801 Santa Monica Avenue, the adjacent property at 4817-23 Santa Monica Avenue which is to be purchased with Section 108 Loan funds, and the improvements to be placed thereon, for the Section 108 Loan related to the proposed Ocean Beach Library expansion;
3. The proposed new College Heights-Rolando Library to be built on the vacant lot that connects Montezuma Road and Reservoir Drive with Mohawk Street for the Section 108 Loan related to its construction;
4. The Cortez Hill Transitional Shelter, 1449 Ninth Avenue, for the Section 108 Loan related to the purchase and renovation of the Cortez Hill property; and
5. The Viet Nam Veterans Homeless Facility, 4141 Pacific Highway, for the Section 108 Loan related to the City's purchase of that property;

Authorizing the City Manager or his designee to satisfy collateral requirements by executing loan contracts for the following loans that, in the event of the future elimination of the CDBG program by Congress, would allow HUD to use the City's final year of CDBG funding (\$7.1 million) to repay these loans:

1. The Logan Heights Library Loan, and
2. District 4/SEDC Loan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-116: North Metro Interceptor - Expenditures for Emergency Manhole Repair.

(See memorandums from Scott Tulloch dated 4/23/2003. Linda Vista and Mission Valley Community Areas. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1347)

ADOPTED AS RESOLUTION R-298026

Ratifying the City Manager's decision to hire Sancon Engineering, Inc., to perform emergency repairs on the manhole structures of the North Metro Interceptor (NMI);

Authorizing the expenditure of \$120,000 from Sewer Fund 41508, CIP-46-104.0, North Metro Interceptor Diversion 3A, for emergency repairs to the NMI performed by Sancon Engineering, Inc.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

During an inspection of the North Metro Interceptor (NMI), a 96-inch diameter sewer pipeline constructed in 1964, it was found that 11 manhole structures have suffered severe corrosion damage. The NM1 is an essential element in the regional sewerage system and conveys an average of 54 million gallons per day (mgd) and runs from the San Diego River below Interstate 5 to Pump Station 2 on Harbor Drive near the airport.

At several locations, the concrete grade rings had corroded completely away immediately below the street surface and the cast iron frame supporting the cover was physically split in two. One manhole located within the limits of the San Diego River no longer had its locking mechanism intact to keep the cover in place to prevent inflow when water in the river reached that level,

which occurs during extremely high tides and rain storms. The remaining manholes are located in various streets and parking areas, including Sports Arena Boulevard and Midway Drive, and the parking lot for the Audeo Charter School.

The extreme degradation of these manholes coupled with their locations, most of which are being subjected to continuous vehicular traffic loads, presented an immediate health and safety concern. To reduce the City's potential liability in case of a structural failure of any of these manholes and reduce the flows in the sewerage system during the rainy season due to uncontrollable inflow through a damaged, uncovered, manhole located within the San Diego River, these manholes were repaired under an emergency sole source contract.

Sancon Engineering, Inc. were performing similar pipeline repair work in the South Metro Interceptor at the time as well as various past projects of a similar nature and were available to perform the work immediately. Sancon Engineering is a specialist in the rehabilitation of underground piping systems and maintains all necessary construction and safety equipment and insurance to perform this work. Sancon Engineering, Inc. is a private company owned by Nick DiBenedetto, President and CEO.

The sole source procurement of this emergency repair work was approved by the City Manager's Office in accordance with San Diego Municipal Code Section 22.3212, Contracts Not Required to be Competitively Bid.

FISCAL IMPACT:

The total of this request is \$120,000 for construction. Funds for construction are available from Sewer Fund 41508, CIP-46-104.0, North Metro Interceptor Diversion 3A.

Mendes/Tulloch/JAW

Aud. Cert. 2301127.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-117: Accepting Federal Emergency Relief Funds for the Construction of North Torrey Pines Road Slope Stabilization.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1274)

ADOPTED AS RESOLUTION R-298027

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$374,247 in FHWA Emergency Relief grant funds into CIP-52-673.0, North Torrey Pines Road Slope Stabilization, solely and exclusively for the North Torrey Pines Road Right-of-Way (Project) for the purpose of design and construction of a concrete retaining wall and permanent repairs to the damaged roadway, contingent upon the receipt of a fully executed program supplement;

Authorizing the City Auditor and Comptroller to transfer expenditures from TransNet Fund 30300 to FHWA funding sources in an amount not to exceed \$374,247;

Authorizing the City Auditor and Comptroller to return TransNet funds, in an amount not to exceed \$374,247 to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project will permanently repair the roadway and failed slope along the easterly edge of the North Torrey Pines Road right-of-way where it washed out during the winter rains of the 1997-98 El Nino. After the storm event, the roadway was temporarily patched and a guard rail installed, pending design and construction of more permanent repairs.

CITY MANAGER SUPPORTING INFORMATION:

The permanent work will consist of a new concrete retaining wall and related pavement repairs. Because the damage was due to the El Nino events, the project qualified for Emergency Relief funds from FHWA, and project costs will be reimbursed at the ratio indicated on the E-76 form, approximately 88.5% federal, 11.5% local. All project costs are eligible for reimbursement.

FISCAL IMPACT:

TransNet funds will be used for construction period expenses with reimbursement from FHWA to occur upon completion of the project for all project costs. At a 90% reimbursement rate, non-reimbursable TransNet expenditures may be up to \$54,653.

Loveland/Belock/PB

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:23 a.m. - 10:24 a.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-118: Nominees for Appointment to the San Diego Youth Commission.

(See City Manager Report CMR-03-107 and memorandums from Mayor Murphy dated 5/21/2003, Councilmember Scott Peters dated 4/30/2003, Deputy Mayor Ralph Inzunza dated 5/9/2003, Councilmember Toni Atkins dated 5/22/2003, Councilmember Charles Lewis dated 5/9/2003, Councilmember Brian Maienschein dated 5/12/2003, Councilmember Donna Frye dated 5/7/2003, and Councilmember Madaffer dated 5/20/2003.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1410) ADOPTED AS RESOLUTION R-298028

Approving the following nominations for the San Diego Youth Commission and their alternates to serve for a term ending July 1, 2004:

NOMINEE

Mayor's Representatives

Deserae Dunn

Zachary Story

District 1 Representatives

Ashley Grand

Blake Shelburne

District 3 Representatives

Alexandra Hill

Anne Shiraishi

District 4 Representative

Steven Johnson

District 8 Representative

Valerie LeRay

ALTERNATES

District 1 Representative

Mitchell Duffy

District 3 Representative

Reema Makani

District 5 Representative

Megan Barber

District 6 Representative

Stewart Joslyn

District 7 Representative

David Daniels

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-119: A Day to Play Ball.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1378)

ADOPTED AS RESOLUTION R-298029

Commending Carl and Jeanine Volinski and Safeco for their commitment to the betterment of La Jolla;

Proclaiming May 17, 2003 to be "A Day to Play Ball" in the City of San Diego.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-120: Anchors Away with a Half Sashay.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1346)

ADOPTED AS RESOLUTION R-298006

Commending the International Association of Gay Square Dance Clubs for their contributions to the enjoyment of square dancing and congratulating them on their 20th annual convention, "Anchors Away with a Half Sashay," to be held in San Diego;

Proclaiming July 2 through 6, 2003 to be “Anchors Away with a Half Sashay Weekend” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-121: Charles Edward Taylor Day.

COUNCILMEMBER ATKINS’ RECOMMENDATION:

Adopt the following resolution:

(R-2003-1418) ADOPTED AS RESOLUTION R-298030

Honoring all aircraft maintenance technicians whose spirit of mechanical excellence has made air transportation safe and reliable, and recognizing Charles Edward Taylor for his pioneering accomplishments in the field of aviation maintenance;

Proclaiming May 24, 2003 to be “Charles Edward Taylor Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-122: Marie Hitchcock Puppet Theater 55th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1419) ADOPTED AS RESOLUTION R-298031

Recognizing and honoring the late Marie Hitchcock for bringing joy to the children of San Diego, and heartily congratulating San Diego's Balboa Park Puppet Guild on the 55th anniversary of the Marie Hitchcock Puppet Theater;

Proclaiming May 22, 2003 to be "Marie Hitchcock Puppet Theater 55th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-123: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1224) ADOPTED AS RESOLUTION R-298032

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-124: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-807) ADOPTED AS RESOLUTION R-298033

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L - State of Emergency due to economic circumstances in the San Diego-Tijuana border region

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-125: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1195)

ADOPTED AS RESOLUTION R-298034

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION:

GEN'L - Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION:

(Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- * ITEM-126: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1258) ADOPTED AS RESOLUTION R-298035

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GENL'L - State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Proposal to Support/Oppose Certain 2003 State Legislation.

(See memorandums from Andrew Poat dated 3/28/2003 and 4/29/2003.)

(Continued from the meetings of 4/28/2003, Item 110; 5/6/2003, Item S509; and 5/20/2003, Item 116; last continued at the request of Councilmember Frye, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1236) ADOPTED AS AMENDED AS RESOLUTION R-298045, WITH DIRECTION

Approving the recommendations contained in the Governmental Relations Department's March 28, 2003 report, with the following changes:

1. Change AB 136 from "Oppose" to "Watch", until the City receives additional information.

2. Change ACA 10 from "Watch" to "Support as Priority."
3. Add AB 361 as a "Watch."
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from "Support" to "Watch."
6. Change AB 222 from "Support" to "Strong Support."
7. Change SB 40 from "Support" to "Strong Support."

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 4/2/2003, Rules voted 3 to 0 to approve the recommendations contained in the Governmental Relations Department's March 28, 2003 report with the following changes:

1. Take no position on AB 136 until we get further information (move from "Oppose" to "Watch").
2. Support as a priority ACA 10 (move from "Watch" to "Support as Priority").
3. Add AB 361 as a "Watch."
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from "Support" to "Watch."
6. Indicate strong support for AB 222.
7. Indicate strong support for SB 40.

(Councilmembers Peters, Madaffer, and Mayor Murphy voted yea. Councilmember Inzunza not present. Councilmember Maienschein abstain.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:17 p.m. - 3:16 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION, APPROVING ALL BUT 21 ITEMS OF PROPOSED STATE LEGISLATION, WITH DIRECTION THAT THE GOVERNMENT RELATIONS DEPARTMENT DEVELOP REVISED LEGISLATIVE GUIDELINES FOR CONSIDERATION BY COUNCIL NOT LATER THAN JANUARY 2004, SINCE THE CURRENT GUIDELINES ARE OUTDATED. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO APPROVE AS AMENDED AB 35, CHANGING FROM "OPPOSE" TO "WATCH." Second by Atkins. Passed by the following vote: Peters-nay, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

MOTION BY COMMON CONSENT TO APPROVE AB 492. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Motion by Frye to approve as amended AB 594, changing from "support" to "oppose." Second by Inzunza. Failed. Yeas-6,8,M. Nays-1,3,4,7. Not present-2,5.

MOTION BY COMMON CONSENT TO APPROVE AB 594. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Motion by Frye to approve as amended AB 677, changing from "oppose" to "watch." Second by Inzunza. Failed. Yeas-1,4,6,8. Nays-3,7,M. Not present-2,5.

MOTION BY COMMON CONSENT TO APPROVE AB 677. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO APPROVE AB 922. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO APPROVE AB 969. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO APPROVE AB 974. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY COMMON CONSENT TO APPROVE AB 1112. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO APPROVE AS AMENDED AB 1015, CHANGING FROM "WATCH" TO "SUPPORT." Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

Motion by Frye to approve as amended AB 1347, changing from "oppose" to "watch." Second by Inzunza. Failed. Yeas-3,4,6,8. Nays-1,7,M. Not present-2,5.

MOTION BY COMMON CONSENT TO APPROVE AB 1347. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO APPROVE AB 1640. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Motion by Frye to approve as amended SB 68, changing from "support" to "watch." Second by Inzunza. Failed. Yeas-1,6,8. Nays-3,4,7,M. Not present-2,5.

MOTION BY COMMON CONSENT TO APPROVE SB 68. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO APPROVE SB 318. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO APPROVE SB 572. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Motion by Frye to approve as amended SB 699, changing from "oppose" to "watch." Second by Inzunza. Failed. Yeas-3,4,6,8. Nays-1,7,M. Not present-2,5.

MOTION BY COMMON CONSENT TO APPROVE SB 699. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: State 2002 Resources Bond and State 2000 Park Bond Per Capita Funding.

(See City Manager Report CMR-03-049 Rev.)

(Continued from the meeting of 5/20/2003, Item 118, at the request of Councilmember Atkins, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1286)

ADOPTED AS AMENDED AS RESOLUTION R-298036

Authorizing the City Manager, or his designee, to apply for local assistance funds from the per Capita Grant Program and the Roberti-Z' Berg-Harris Urban Open Space and Recreation Per Capita Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002;

Authorizing the City Manager, or his designee, to apply for local assistance funds from the Per Capita Grant Program under the California Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2000 for the following projects: Balboa Park Aerospace Museum Roof; Colina Del Sol Recreation Center Roof Repairs; Forestview Park Tot Lot; Parkside Neighborhood Park Tot Lot Upgrade; Serra Mesa Park Tot Lot Upgrade; South Bay Robert Egger, Sr. Recreation Center Various Repairs; Sunset Cliffs Ladera Stairs Rehabilitation; and University Gardens Tot Lot Upgrade;

Authorizing the City Manager, or his designee, to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, and payment requests and so on, which may be necessary for the completion of the projects;

Authorizing the City Manager, or his designee, to include the San Diego Parks Master Plan Project in the City's 2003 State Legislative Program;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds, if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-

bearing fund for the grants;

Authorizing the City Auditor and Comptroller to appropriate and expend \$150,000 from CIP-21-862.0, Balboa Park Aerospace Museum Roof Repairs, Fund 38140; \$45,000 from CIP-29-485.0, Colina Del Sol Recreation Center Roof Repairs, Fund 39194; \$50,000 from CIP-29-586.0, Forestview Park Tot Lot Upgrade, Fund 38125; \$125,000 from CIP-29-520.0, Parkside Neighborhood Park Tot Lot Upgrade, Fund 38173; \$137,900 from CIP-29-850.0 Serra Mesa Park Tot Lot Upgrade, Fund 38155; \$45,000 from CIP-29-486.0, South Bay Robert Egger, Sr. Recreation Center Various Repairs, Fund 39195; \$100,000 from CIP-29-856.0, Sunset Cliffs Ladera Stairs Rehabilitation, Fund 39196; and \$32,100 from CIP-29-513.0, University Gardens Tot Lot Upgrade, Fund 38169, contingent upon receipt of a fully-executed grant agreement;

Authorizing the addition of CIP-29-485.0, Colina Del Sol Recreation Center Roof Repairs, and CIP-29-486.0, South Bay Robert Egger, Sr. Recreation Center Various Repairs to the Fiscal Year 2004 Capital Improvements Program;

Authorizing an increase in the Fiscal Year 2004 Capital Improvements Program Budget of \$150,000 in CIP-21-862.0, Balboa Park Aerospace Museum Roof Repairs, Fund 38140; \$45,000 in CIP-29-485.0, Colina Del Sol Recreation Center Roof Repairs, Fund 39194; \$50,000 in CIP-29-586.0, Forestview Park Tot Lot Upgrade, Fund 38125; \$125,000 in CIP-29-520.0, Parkside Neighborhood Park Tot Lot Upgrade, Fund 38173; \$137,900 in CIP-29-850.0, Serra Mesa Park Tot Lot Upgrade, Fund 38155; \$45,000 in CIP-29-486.0, South Bay Robert Egger, Sr. Recreation Center Various Repairs, Fund 39195; \$100,000 in CIP-29-856.0, Sunset Cliffs Ladera Stairs Rehabilitation, Fund 39196; and \$32,100 in CIP-29-513.0, University Gardens Tot Lot Upgrade, Fund 38169;

Certifying that the City has or will have sufficient funds to operate and maintain the grant funded projects.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 3/19/2003, RULES voted 5 to 0 to approve the report and direct the City Manager, when the item is heard at City Council, to prepare a report discussing the status of the "Parks Master Plan"

planning process. (Councilmembers Peters, Maienschein, Madaffer, Inzunza and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:30 a.m. - 11:41 a.m.)

MOTION BY MADAFFER TO ADOPT AS AMENDED ACCEPTING COUNCIL MEMBER ATKINS' REQUEST TO AUTHORIZE THE CITY MANAGER TO: 1) STRIKE OUT BALBOA PARK AEROSPACE MUSEUM ROOF PROJECT AND REPLACE IT WITH NORTH PARK COMMUNITY PARK IMPROVEMENTS CIP 29-826.0; AND 2) COME BACK TO THE COUNCIL WITH THE ACTION THAT AUTHORIZES APPROPRIATE FUNDING FOR THE AEROSPACE ROOF PROJECT, AS SOON AS POSSIBLE, GIVEN THAT THE APPROPRIATE FUNDS HAVE ALREADY BEEN IDENTIFIED FROM WITHIN BALBOA PARK. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Appeal of Tie-down Fee Increases at Montgomery Field Airport.

(See City Manager Report CMR-03-087. Kearny Mesa Community Plan area. District-6.)

(Continued from the meeting of May 6, 2003, Item 330, at the request of the City Manager, in order to be heard on the same day "Cost recovery fees" is discussed.)

NOTE: Hearing open. No public testimony taken on May 6, 2003.

CITY MANAGER'S RECOMMENDATION:

Deny the Appeal and approve the fee increases to market rates for City Airports.

TODAY'S ACTION IS:

Adopt **either** Subitem-A denying the appeal **or** Subitem-B granting the appeal:

Subitem-A: (R-2003-1252) CONTINUED TO TUESDAY, JUNE 10, 2003

Resolution denying appeal of City Airports Tie-Down and Fuel Fee Increases.

OR

Subitem-B: (R-2003-1253) CONTINUED TO TUESDAY, JUNE 10, 2003

Resolution granting appeal of City Airports Tie-Down and Fuel Fee Increases.

SUPPORTING INFORMATION:

The City of San Diego owns and operates two General Aviation Airports, Montgomery and Brown Field. The Airports Division operates as a user-funded enterprise system, receiving no general fund subsidy. All revenues from airport rates charges and fees are used to support the operating, capital, and other cost associated with Montgomery and Brown Field. The City of San Diego Administrative Regulation No. 95.25 provides for an annual review of the fees and charges that the City departments may administer to recover the cost of providing services. City Municipal Code Section 68.0119 grants the City Manager authority to charge and collect fees associated with the City Airports. Council Policy 100-5 formalized the process of notifying the public when changes to fee structures are made.

The Final Policy Regarding Airport Rates and Charges (Federal Register/Vol. 61. No. 121) requires airports to maintain a fee and rental structure for the facilities and services at the airports to make them as self-sustaining as possible. The Final Policy also requires that all revenues generated by the airports, including monthly aircraft parking rents and aviation fuel flowage fees, be expended by it for the operating and capital costs of the airports.

The last time airport fees were brought to market rate was in 1999. Fuel flowage fees were increased from 4 cent to 5 cent per gallon with no appeal requested. Monthly tiedown fees were proposed to be increased from \$50 to \$85 for a single engine aircraft and from \$65 to \$100 for twin engine aircraft. In addition, a new fee structure of 8 cents per square foot was proposed for larger aircraft occupying over 1050 square feet. An appeal of the tiedown fees was requested. The City Council denied the appeal and directed staff to implement the increase over two years since an adjustment had not occurred for 10 years. Staff was also directed to review rates annually. After review in 2001, fees were not increased as the aviation industry was experiencing the impacts of the September 11 terrorist attacks. As evidenced by the number of based aircraft, annual operations and demand for aircraft parking, City Airports have since recovered. At Montgomery Field during calendar year 2002, annual aircraft operations increased 13% over 2001. In addition, there were no parking vacancies, and there was a waiting list for aircraft parking. At Brown Field during the same reporting period, the number of based aircraft increased, a new fuel provider began operations, and total aircraft operations increased 14%.

Stakeholders and users were properly noticed regarding the currently proposed fee increases. The proposed increase directly effect 98 aircraft at Montgomery Field, and the five fuel service

providers that deliver fuel to the two City airports. On March 21, 2003 and March 25, 2003, letters were sent to the effected parties. The increases were discussed at the March 4, 2003 and April 1, 2003 Airports Advisory Committee (AAC) meetings. As of April 15, 2003, four letters appealing the increases were received and acknowledged.

FISCAL IMPACT:

Total fiscal impact associated with this action will increase the Airports Enterprise Fund by approximately \$98,000 annually.

Griffith/Herring/TLM

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:33 a.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, JUNE 10, 2003, AT THE REQUEST OF THE CITY MANAGER, IN ORDER TO BE HEARD ON THE SAME DAY AS "COST RECOVERY FEES." Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Two actions related to Request to Bid Demolition - Smart Corner Block.

(Centre City Redevelopment Project Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

Subitem-A: (R-2003-950) ADOPTED AS RESOLUTION R-298037

Making certain findings with respect to the payments for the demolition of on-site improvements and construction of a temporary parking lot on the Smart Corner site located on the block bounded by 11th and 12th Avenues, C Street and Broadway.

Subitem-B: (R-2003-1361) ADOPTED AS RESOLUTION R-298038

Stating that the Council has previously reviewed and considered information contained in the master Environmental Impact Report for the Centre City Redevelopment Project, and made certain findings and determinations regarding environmental impacts of the demolition of on-site improvements and construction of a temporary parking lot on the "Smart Corner" site.

NOTE: See the Redevelopment Agency Agenda of 6/3/2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:54 a.m. - 11:54 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-332: Two actions related to Naval Training Center Redevelopment Project.

(See City Manager Report RA-03-12/CMR-03-088. Peninsula Community Area. District-2.)

(Continued from the meeting of May 6, 2003, Item S510, Subitems D and E, at the request of Councilmember Madaffer, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1264) CONTINUED TO TUESDAY, JUNE 17, 2003

Declaring that Council finds and determines that the publicly owned infrastructure improvements for which the Agency proposes to pay are of benefit to the Naval Training Center Redevelopment Project, that no other reasonable means for financing the proposed publicly owned infrastructure improvements are available to the community, and that the proposed publicly owned infrastructure improvements will assist in eliminating one or more blighting conditions inside the Project area;

Declaring that Council finds and determines that the proposed publicly owned infrastructure improvements are consistent with the Implementation Plan adopted for the Project by the Redevelopment Agency pursuant to California Health and Safety Code Section 33490;

Subitem-B: (R-2003-1267) CONTINUED TO TUESDAY, JUNE 17, 2003

Approving all the terms and conditions in the proposed Memorandum of Understanding;

Authorizing the City Manager, or designee, to execute the Memorandum of Understanding with the NTC Foundation;

Authorizing the City Manager, or designee, to expend an amount not to exceed \$2.7 million in City TOT funds, contingent on the receipt of an Auditor's Certificate to do so, to assist the NTC Foundation with its share of the CAM fees;

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate to carry out and implement the Memorandum of Understanding and to administer the City's obligations, responsibilities and duties to be performed under the Memorandum of Understanding.

NOTE: See the Redevelopment Agency Agenda of 6/3/2003 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:25 a.m. - 11:27 a.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, JUNE 17, 2003, FOR FURTHER REVIEW. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Alley Vacation in Block 182 of Map 1651.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1130) CONTINUED TO TUESDAY, JUNE 17, 2003

That the alley vacation, as more particularly described in the legal description, as Exhibit "A" and as shown on Drawing No. 19767-B, as Exhibit "B," is ordered vacated;

That this resolution shall not become effective unless and until the applicant shall cut, plug and physically abandon or relocate any existing facilities into Strand Way public right-of-way. The relocation of all facilities shall be per the most current edition of the "Greenbook"-Standard Specifications for Public Works Construction and the City of San Diego Water and Sewer Design Guide. All facilities must be operational and accepted in a manner satisfactory to the City Engineer;

In the event the above condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall then cause a certified copy of this resolution with attached exhibits, attested by him under seal, to be recorded in the Office of the County Recorder.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate an alley in Block 182 of Map 1651 located in the Pacific Beach Community area within Council District 2. The alley is unimproved and there are no plans to construct a street at this location. The Mission Beach Precise Planning Group stated that prior to making a recommendation to the City Council on the vacation, they would like to see details of the development plans. The applicant does not have specific development plans undergoing City review at this time and, has declined to proceed with plans until the vacation request is approved. The applicant has submitted this request for a Street /Alley vacation based upon the merits of the alley vacation issue alone. The street area to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. It is unlikely that a street would be built or widened at this location.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.
- c) That the vacation is not inconsistent with the General Plan, and approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a MBPD-NC-N zone which is consistent with the community plan land use designation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. There are no present or future plans to construct a street in this area.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061 (b)(3).

FILE LOCATION: STRT-J-2953 (39)

COUNCIL ACTION: (Time duration: 11:23 a.m. - 11:23 a.m.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, JUNE 17, 2003, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Three actions related to Park Village Maintenance Assessment District.

(Rancho Peñasquitos Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1332 Cor. Copy) ADOPTED AS RESOLUTION R-298039

Resolution of Intention to initiate proceedings for a ballot protest procedure for the Park Village Maintenance Assessment District and to levy and collect Fiscal Year 2004 annual assessments on Park Village Maintenance Assessment District.

Subitem-B: (R-2003-1333) ADOPTED AS RESOLUTION R-298040

Resolution of the Council of the City of San Diego preliminarily approving the Assessment Engineer's report submitted in connection with the Park Village Maintenance Assessment District.

Subitem-C: (R-2003-1334 Cor. Copy) ADOPTED AS RESOLUTION R-298041

Resolution of Intention to levy and collect Fiscal Year 2004 annual assessments on Park Village Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2004 assessments for Park Village Maintenance Assessment District (District) and bring this district into compliance with Proposition 218. The District is located in the Rancho Peñasquitos Community Planning Area. It was established in February 1985 and was last balloted in 1996. It currently provides maintenance for 89,460 square feet of landscaped medians, 22,360 square feet of hardscaped medians, 764,310 square feet of landscaped right-of-ways, and 41,505 square feet of monuments and focal points. In addition the District maintains 21.74 acres of open space.

For the last several years the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve. The District has been unable to raise its assessment to keep pace with the San Diego Regional Consumer Price Index.

On February 19, 2003, the Park Village Maintenance Assessment District Committee voted to ballot the District property owners to: 1) bring the District into compliance with Proposition 218, 2) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$56.90 to \$82.02 in Zone 1; \$9.48 to \$16.86 in Zone 2; and \$56.90 to \$97.59 in Zone 3 in Fiscal Year 2004 and, 3) effective Fiscal Year 2004 authorize an annual increased assessment not to exceed on San Diego CPI-U plus 2%. The purpose is to increase income sufficiently to cover the current service level, maintain a minimum 10% operating reserve, and fund small planting projects and their future maintenance through the assessment of property owners.

Estimated Year-End

<u>DESCRIPTION</u>	<u>FY 2003</u>	<u>FY 2004</u>
BEGINNING BALANCE (Reserve)	\$171,409.00	\$34,910.00
REVENUE:		
Assessments	\$145,995.00	\$234,122.00
Interest	7,000.00	7,880.00
City Contributions	<u>17,028.00</u>	<u>16,972.00</u>
TOTAL REVENUE	\$170,023.00	\$258,974.00
EXPENSE:		
Personnel	\$ 22,681.00	\$ 26,879.00
Contractual	109,000.00	115,783.00
Incidental	*140,781.00	38,539.00
Utilities	<u>34,060.00</u>	<u>52,907.00</u>
TOTAL EXPENSE	\$306,522.00	\$234,108.00
ENDING BALANCE (Reserve)	\$ 34,910.00	\$ 59,776.00

**Includes \$90,000 for median improvements along Black Mountain Road.*

The proposed property owner assessment for Fiscal Year 2004 is \$82.02 per EBU in Zone 1, \$16.86 per EBU in Zone 2, and \$97.59 per EBU in Zone 3. A maximum assessment authorized for the District is \$112.45 per EBU in Zone 1, \$24.06 per EBU in Zone 2, and \$106.83 EBU in Zone 3. The District contains a total of 3,387.32 EBUs, with 1,653.41 EBUs in Zone 1, 875.91 EBUs in Zone 2, and 858.00 EBUs in Zone 3. The District will also increase the Ground Maintenance Manager position from 0.30 in Fiscal Year 2003 to 0.40 in Fiscal Year 2004.

FISCAL IMPACT:

It is proposed that the City will contribute \$16,393 from the Gas Tax Fund 302191: \$16,103 for the maintenance of 89,460 sq. ft. of landscaped medians (\$0.18/sq. ft.) and \$290 for maintenance of 22,360 sq. ft. of hardscape medians (\$0.013/sq. ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. The City will also contribute \$578.94 from Environmental Growth Fund 10505 for the

21.74 acres of open space (\$26.63 per acre). All other cost are assessed to property owners in the District. The City owns two assessable parcels in the district, both of which are parks, resulting in a General Fund assessment in FY 2004 of \$2,239.

Herring/Oppenheim/AWF

FILE LOCATION: STRT-M-426-04 (34)

COUNCIL ACTION: (Time duration: 11:28 a.m. - 11:28 a.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Two actions related to Horton Plaza Tax Allocation Bonds, Series 2003.

(See Centre City Development Corporation Report CCDC-03-13. Horton Plaza Redevelopment Project Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1404) ADOPTED AS RESOLUTION R-298046

Approving the issuance of the Redevelopment Agency of the City of San Diego Horton Plaza Redevelopment Project Subordinate Tax Allocation Bonds, Series 2003A and Redevelopment Agency of the City of San Diego Horton Plaza Redevelopment Project Junior Lien Tax Allocation Bonds, Series 2003B (collectively, Bonds), to finance improvements within the Project Area, specifically, improvements to the Balboa Theater, as determined by the Redevelopment Agency.

Subitem-B: (R-2003-1402) ADOPTED AS RESOLUTION R-298047

Approving the issuance of the Redevelopment Agency of the City of San Diego Horton Plaza Redevelopment Project Tax Allocation Housing Bonds, Series 2003C (Taxable) [Bonds], to finance new low and moderate income housing

projects within, or benefitting, the Project Area, as determined by the Redevelopment Agency.

NOTE: See the Redevelopment Agency Agenda of 6/3/2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. - 2:16 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-336: Fiscal Year 2003 Year-End Budget Adjustments.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2003-158) INTRODUCED AND ADOPTED AS ORDINANCE
O-19192 (New Series)

Amending Ordinance O-19083 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2002-2003 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document No. OO-19083, as amended and adopted therein, by authorizing certain year-end budget adjustments including making additional appropriations and transfers that may be necessary to balance fund carryovers and expenditures/appropriations for Fiscal Year 2003.

NOTE: See Item 605 on the docket of Monday, June 2, 2003, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:29 a.m. - 11:29 a.m.)

MOTION BY PETERS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S500: Appointment to the Metropolitan Transit Development Board.

(See memorandum from Mayor Murphy dated 5/22/2003.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1424)

ADOPTED AS RESOLUTION R-298042

Declaring that pursuant to Section 22.0101 of the San Diego Municipal Code, the following named persons are appointed to serve as Council representative and alternate to the Metropolitan Transit Development Board listed below for the period commencing July 1, 2003 and ending November 30, 2003:

METROPOLITAN TRANSIT DEVELOPMENT BOARD:

Charles Lewis - representative (replacing Mayor Dick Murphy)

Michael Zucchet - alternate (replacing Councilmember Jim Madaffer)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S501: Street Name Change - Sorrento Valley Court to Vista Sorrento Parkway.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1175)

ADOPTED AS RESOLUTION R-298043

Changing the name of Sorrento Valley Court to Vista Sorrento Parkway.

CITY MANAGER SUPPORTING INFORMATION:

The applicant, Westbrook Torrey Hills, LLC, requests Council to change the name of Sorrento Valley Court to Vista Sorrento Parkway. Sorrento Valley Court was an existing cul-de-sac north of Sorrento Valley Boulevard. Vista Sorrento Parkway is the street name continuing from the cul-de-sac south of Sorrento Valley Boulevard to Mira Mesa Boulevard and the street name south of Carmel Mountain Road.

City Council approved Tentative Map 95-0554 on May 19, 1997. The Tentative Map called for the northerly extension of Vista Sorrento Parkway from Sorrento Valley Boulevard to Carmel Mountain Road. This extension was recently completed, the cul-de-sac was removed and Vista Sorrento Parkway was connected to Sorrento Valley Court. This connection causes confusion of the street names. If the street name was not changed, one continuous street named Vista Sorrento Parkway would have a small piece in the middle of the same street still named Sorrento Valley Court. The street name change will provide continuity of one street name from Mira Mesa Boulevard to Carmel Mountain Road.

The Torrey Pines Community Planning Group approved the street name change on March 6, 2003. The motion to approve the name change passed unanimously.

A petition seeking support of the street name change was approved by 100% of the affected property owners.

FISCAL IMPACT:

None. All costs will be paid by the applicant.

DEVELOPMENT SERVICES DEPARTMENT RECOMMENDATION:

Approval of this request.

Ewell/Broughton/AKW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:11 a.m. - 10:15 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:23 p.m. in honor of the memory of:

Norman Flannery as requested by Council Member Atkins;
Michael Bishop as requested by Council Member Atkins;
Faye Williams as requested by Council Member Atkins; and
Douglas Perry as requested by Council Member Inzunza.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. - 3:23 p.m.)